

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ALABAMA
NORTHEASTERN DIVISION

[illegible]

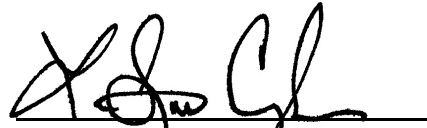
ORDER

On August 18, 2011, the magistrate judge's report and recommendation was entered and the parties were allowed therein fourteen (14) days in which to file objections to the recommendations made by the magistrate judge. A copy of the report and recommendation mailed to petitioner was returned to the court. On August 30, 2011, the report and recommendation was re-mailed to petitioner and he was allowed an additional fourteen (14) days to file objections. To date, no objections have been filed by petitioner or the government.

After careful consideration of the record in this case and the magistrate judge's report and recommendation, the court hereby ADOPTS the report of the magistrate judge. The court further ACCEPTS the recommendations of the magistrate judge that an evidentiary hearing be held on the claim of ineffective assistance of counsel for failure to file a notice of appeal after being asked to do so. Therefore, it is

ORDERED that this matter is REFERRED to the magistrate judge to hold an evidentiary hearing on petitioner's claim of ineffective assistance of counsel for failure to file a notice of appeal after being asked to do so and enter a report and recommendation thereafter.

Done this 14th day of March 2012.

A handwritten signature in black ink, appearing to read 'L. Scott Coogler', is written over a horizontal line.

L. SCOTT COOGLER
UNITED STATES DISTRICT JUDGE

167458